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General and complete disarmament

Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

Report of the Secretary-General

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I. Introduction

1. On 8 December 2010, the General Assembly adopted resolution 65/53, entitled "Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control". Paragraph 4 of the resolution invited all Member States to communicate to the Secretary-General information on the measures they have adopted to promote the objectives envisaged in the resolution and requested the Secretary-General to submit a report containing that information to the General Assembly at its sixty-sixth session.

2. Pursuant to that request, on 22 March 2011, a note verbale was sent to Member States inviting them to provide information on the subject. The replies received are contained in section II below. Additional replies received will be issued as addenda to the present report.

II. Replies received from Governments

Cuba

[Original: Spanish]
[7 June 2011]

The Republic of Cuba has acquired extensive experience in adopting and implementing laws and policies that enable it to observe environmental norms in all aspects of public life, including the norms found in the various international disarmament and arms control instruments to which Cuba is a party, including the Chemical Weapons Convention, the Biological Weapons Convention, the Convention on Certain Conventional Weapons and the Treaty on the Non-Proliferation of Nuclear Weapons.

Cuba has a solid legal foundation for the protection of the environment:

- Article 27 of the Constitution of the Republic of Cuba contains the concept of sustainable development.

- Act No. 81/1997 on the environment sets forth the principles that underpin Cuba's environmental policy, stating, inter alia: "Managing the environment is a comprehensive and cross-cutting endeavour; it involves the coordinated participation of State bodies, other entities and institutions, society and the citizenry as a whole, each in keeping with its respective mandates and abilities".

- Decree-Law No. 207 entitled "On the use of nuclear energy" establishes the general rules for such activities.

- Decree No. 208 entitled "On the national accountability and control system for nuclear materials" establishes the regulations for the operation of the system with the aim of promoting efficient management of such materials and detecting their unauthorized use, loss or movement.

- The legal regime governing biosecurity and the implementation of the Biological Weapons Convention is reflected in: Decree-Law No. 199/90 entitled "On biological security", in resolution No. 2/2004 of the Ministry of

Science, Technology and the Environment (CITMA) entitled "Regulation on accountability and control of biological materials, equipment and related technology", the most recent update of the "List of biological agents that affect humans, animals and plants", and the "Regulation granting authorizations in the field of biological security". The latter two are contained in CITMA resolutions Nos. 38/2006 and 18/2007.

- Decree-Law No. 202/1999 regulates implementation of the Chemical Weapons Convention at the national level.

- Agreement 5517 of the Executive Committee of the Council of Ministers of 2005 entitled "On contraventions resulting from violation of the rules of the Chemical Weapons Convention", which rounded out the legislative measures needed to implement the Chemical Weapons Convention.

Cuba reaffirms that the observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control is especially relevant and has become increasingly important, a fact that was recognized by the international community through the adoption by the United Nations General Assembly of resolution 63/51 without a vote.

Despite the efforts of the General Assembly and international disarmament bodies, some countries continue to carry out policies aimed at fomenting wars of aggression in various parts of the world, to make use of aggressive strategies that include preventive strikes, to continue to use indiscriminately all types of weapons, including, potentially, nuclear weapons, and to refuse to adopt commitments at the multilateral level with regard to nuclear disarmament. At the same time, a persistent arms race continues to enhance conventional and nuclear weapons at an accelerated pace.

Cuba maintains that the total elimination of weapons of mass destruction is the only truly effective solution that can prevent the dire consequences that would result from their use. Cuba attaches great importance to universal adherence to international treaties that ban such weapons. The mere existence of weapons of mass destruction and their ongoing development are among the most serious threats to international peace and security, to the fragile environmental balance on our planet and to sustainable development for all peoples without distinction.

The Chemical Weapons Convention continues to be the only international agreement that provides for the verifiable destruction of chemical weapons and the facilities where they are produced and that includes measures for the protection of humans and the environment.[1] The "principles and methods for destruction of chemical weapons"[2] that weapons-possessing States must take into account when destroying their weapons are extremely important. However, several such States have continued to extend the deadline for destruction, and it is now clear that they will not be able to destroy their chemical weapons before the 2012 deadline set in the Convention. This situation has been a source of serious concern at the Organization for the Prohibition of Chemical Weapons (OPCW).

[1] As may be verified in art. IV, para. 10; art. V, para. 1; art. VII, para. 3; Verification Annex, part II, sect. E, para. 43; Verification Annex, part VI, sect. C, para. 7.

[2] Verification Annex, part IV, "Destruction of Chemical Weapons and Its Verification Pursuant to Article IV", sect. C, paras. 12 to 14.

On the question of nuclear disarmament, the Conference on Disarmament should begin negotiations on a treaty for the complete elimination of nuclear weapons within a specified time frame and under strict international control. An international treaty on nuclear disarmament must of necessity include measures for the protection of the environment.

Strengthening of the Biological Weapons Convention over the next few years is also critical to the protection of the environment and the preservation of biodiversity on our planet. The draft protocol for strengthening the Convention, which was the subject of negotiations a few years ago, included such measures. The negotiations to adopt the protocol must be resumed, and Cuba hopes that the decision to do so will be taken at the upcoming Seventh Review Conference of the Biological Weapons Convention.

It is also important to highlight the relevance and importance of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, ratified by Cuba on 10 April 1978, which remains fully in force and should be universally accepted.

In the immediate vicinity of Cuba, the serious harm caused by the United States Navy to health and the environment on the Puerto Rican island of Vieques may still be observed. The island is used indiscriminately as a military practice range for the United States' acts of aggression and conquest, which even include the use of munitions containing radioactive substances. As a result, the inhabitants of Vieques have the highest cancer rates in all of Puerto Rico.[3]

Furthermore, the damage caused to the environment, property and human life by the United States war of occupation of Iraq has been devastating. A similar situation has been produced over the past few months by the bombings conducted by the North Atlantic Treaty Organization (NATO) against the Socialist People's Libyan Arab Jamahiriya.

Ecuador

[Original: Spanish]
[5 May 2011]

- Article 14 of the Constitution of Ecuador recognizes the right of the population to live in a healthy and ecologically balanced environment that guarantees its sustainability and well-being, or *sumak kawsay*. Furthermore, article 15 prohibits the development, production, possession, sale, import, transport, storage or use of chemical, biological and nuclear weapons.

- Principle 17 of the Rio Declaration on Environment and Development, drafted between 3 and 14 June 1992, established the need to undertake an environmental impact assessment of proposed activities that are likely to have a significant adverse impact on the environment and are subject to a competent national authority, which, in the case of Ecuador, is the Ministry of the Environment.

[3] Data from the cancer registry of the Puerto Rico Department of Health show that cancer rates on Vieques began to rise after the United States Navy began the shelling in 1979 (Zavala-Segarra, D., *Incidencia de cáncer en Vieques*).

- Ecuador ratified the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in May 1993, and promulgated the Convention in Official Gazette No. 432 of 4 May 1994.

- A regulatory framework on the environment is in force in Ecuador. The most important legal instruments within this framework are the Environmental Management Act, published in Official Gazette No. 245 of 30 July 1999, the Prevention and Control of Environmental Pollution Act, published in Official Gazette No. 418 of 10 September 2004, and the Consolidated Text of Secondary Environmental Legislation, published in Official Gazette No. E 2 of 31 March 2003. These instruments aim to establish the mechanisms to prevent and control the impact of activities with a potential effect on the environment.

In that regard, and pursuant to paragraphs 1 and 2 of resolution 65/53, any activity conducted in the country in fulfilment of the provisions of international disarmament agreements must be consistent with domestic law as well as with the provisions of the international environmental conventions to which Ecuador is a party. This means that the appropriate licence must be granted for any disarmament activities with potential effects on the environment before the start of such activities. Thus, it is clear that our country's position concerning paragraphs 1 and 2 of the resolution is to support the observance of environmental norms in the drafting and implementation of disarmament and arms control agreements, in line with the legal instruments mentioned above.

Finally, with regard to paragraphs 3 and 4 of the resolution, we consider it important to have information from the Ministry of Security Coordination or the Ministry of National Defence concerning the major activities that have been conducting to comply with this important resolution.

Lebanon

[Original: Arabic]
[2 May 2011]

Lebanon possesses no weapons that have an impact on or are detrimental to the environment and supports the agreements on disarmament, arms control and the observance of environmental norms, taking into consideration the concern caused by Israel on account of its possession and retention of an enormous arsenal of weapons of mass destruction, which could be detrimental to the environment even if not used.

Panama

[Original: Spanish]
[2 June 2011]

The Government of Panama affirms that the competent authorities, including the Ministry of Health, the National Customs Authority, the National Environmental Authority (ANAM), the Office of the Public Prosecutor and the Canal Authority, among others, have established control programmes and mechanisms (national, bilateral and multilateral) on the entry of materials or substances that could cause pollution affecting persons, structures and/or areas of the national territory.

In addition, with regard to fulfilling the responsibilities undertaken in the applicable conventions, the current Administration maintains a policy of strengthening the mechanisms in place, developing appropriate legal instruments and improving relevant measures.

Qatar

[Original: Arabic]
[18 April 2011]

1. The State of Qatar affirms that environmental norms should be observed in the drafting and implementation of agreements on disarmament and arms control. It calls for the adoption of national and regional measures to protect the environment and ensure that, in making scientific and technological progress, the environment is not altered for military or other hostile purposes.

2. In its development programmes of recent years, Qatar has placed considerable emphasis on protecting the environment. The State's concern for the environment is reflected by its establishment of a Ministry of the Environment and the proclamation of Qatar Environment Day to celebrate the environment. It has also adopted the following national legislation:

- Decree-Law No. 11 of 2000 establishing the Supreme Council for the Environment and Natural Reserves;
- Law No. 31 of 2002 on protection against radiation, and its implementing regulation No. 4 of 2003.

3. The National Committee for the Prohibition of Weapons was established as a standing committee in the Ministry of Defence by Cabinet Decision No. 26 of 2004, which was amended by Decision No. 45 of 2007. The Committee functions as the liaison of Qatar with the Organization for the Prohibition of Chemical Weapons (OPCW) and with States parties to international instruments concerning the prohibition of weapons of mass destruction. The Committee's membership comprises representatives of the following ministries and agencies: the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Energy and Industry, the Ministry of Health, the Ministry of Municipalities and Urban Planning, the Ministry of the Environment, the Cabinet Secretariat, the Hamad Medical Corporation and the General Directorate of Customs. The inclusion of those parties in the Committee's decision-making process ensures that the Committee's decisions respond to the real needs of society. It also ensures that the control of prohibited materials does not impede the country's industrial and scientific progress.

The Committee is responsible for the implementation of instruments concerning weapons of mass destruction and such other agreements as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, ratified on 21 September 1998, and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its protocols, to which Qatar acceded on 12 August 2009. The Committee's achievements include the following:

The country continues to fulfil its commitments and cooperate with OPCW under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified on 13 August 1997. In line with those efforts, Law No. 17 of 2007 on chemical weapons was drafted and the Committee proposed amendments to that Law.

Qatar believes in the use of nuclear energy for peaceful purposes, and has expressed its opinion regarding the initiative to make the Middle East a zone free of weapons of mass destruction. It affirms its principled position that the elimination of nuclear-weapon arsenals is a necessary condition for global peace and security. In that regard, Qatar acceded to the Treaty on the Non-Proliferation of Nuclear Weapons on 29 January 1989 and signed the Comprehensive Nuclear-Test-Ban Treaty on 30 December 1996. On 19 January 2009, it signed a comprehensive safeguards agreement with the International Atomic Energy Agency defining which nuclear materials are subject to safeguards and prescribing an inspection regime for nuclear materials and installations. Also on 19 January 2009, further to those measures, Qatar signed a small quantities protocol under which the safeguards are implemented within the framework of the Treaty in a manner that is commensurate with the scale of the State's nuclear activities. In implementation of the above-mentioned comprehensive safeguards agreement, a law on a national regime for accounting and control of nuclear material has been drafted and is in the process of being adopted.

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction prohibits the production and stockpiling of biological weapons and their use in armed conflict. As a State party to that Convention, which it ratified on 17 March 1975, Qatar strives to fulfil its commitments to ensure the security of individuals, protect the environment and cooperate with other States parties. With regard to national legislation, a draft law on biological weapons has been prepared and is in the process of being adopted. Under the draft law, the development, production, stockpiling, purchase or acquisition of biological agents and toxins in quantities and of types not consistent with preventive purposes or medical applications are prohibited or subject to monitoring. There are also biological security and safety measures in place in medical and other laboratories at universities. The State fosters applied biotechnology research and guides research efforts in order to prevent the abuse of this scientific field and ensure continued acquisition of knowledge therein, owing to its relevance to health, agriculture and environmental protection.

Ukraine

[Original: Russian]
[30 May 2011]

Ukraine attaches special importance to the observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control and is working actively at the national and international level to improve existing national legislation in this field and contribute to the development of a body of international treaty law to provide an adequate response by the international community to the challenges posed to the environment by the disarmament process and the destruction of certain types of weapons.

First of all, it should be noted that the disposal of any property, substances, liquids, etc. that could negatively impact the environment is regulated by existing national legislation, notably the Environmental Impact Assessment Act; the Waste Management Act; the law on licensing certain types of commercial activity; Cabinet Decision No. 554 of 27 July 1995, which lists types of environmentally hazardous activities and facilities; and other legislative acts.

In accordance with the procedure for the destruction of missiles, munitions and explosive materials approved in Cabinet Decision No. 812 of 7 July 2006, the Ministry of Defence is the government body responsible for the destruction of munitions belonging to the armed forces and other military units.

The executing agents are economic entities, irrespective of form of ownership, that either own or lease facilities for the destruction of munitions, hold certification and accreditation as required by law and, in accordance with the licences issued to them, carry out the destruction of munitions, develop new technologies, and modernize or build new munition destruction facilities.

Furthermore, it should be noted that the disposal of any type of asset in Ukraine is accompanied by the development of an appropriate disposal solution with an environmental impact assessment component. As a rule, that component contains exhaustive information regarding the potential negative impact of the technological processes on the environment.

1. Environmental implications of the destruction of anti-personnel mines and surplus ammunition stockpiles in accordance with Ukraine's obligations under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention)

A top priority during the destruction of anti-personnel blast mines at the Pavlograd Chemical Plant, a State-owned research industrial complex, is compliance with national environmental regulations and European Union environmental safety requirements for the destruction of munitions.

The plan for using humanitarian assistance provided by the Kingdom of Norway for the destruction of anti-personnel blast mines, in compliance with Ukraine's obligations under article 4 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, provides for the procurement of special equipment. The plan also includes providing the Pavlograd Chemical Plant incinerator with a system for cooling and disposing of the heat generated during the thermal decontamination of the combustion products of anti-personnel blast mines; ceramic filters with powder feeders for dry scrubbing the by-products of toxic agents; an automation and control system with monitoring and measuring devices; equipment for conducting rapid testing of emissions toxicity content; and a video monitoring and fire detection system.

Using the aforementioned equipment would ensure 100 per cent detection of the gaseous by-products of the anti-personnel blast mine destruction process.

2. Environmental implications of the destruction of loaded motor cases from RS-22 intercontinental ballistic missiles in accordance with Ukraine's obligations under the Strategic Offensive Arms Reduction Treaty (START-I)

In 2010, in accordance with Cabinet Decision No. 419 of 10 April 2009, loaded motor cases from RS-22 intercontinental ballistic missiles were placed under the responsibility of the National Space Agency of Ukraine.

The main priority in the implementation of the Programme for the destruction of solid rocket fuel from RS-22 intercontinental ballistic missiles (solid rocket fuel destruction programme) is to ensure environmental, fire and human safety during the destruction process.

The method selected for the disposal of the solid fuel from RS-22 intercontinental ballistic missiles is the safest with respect to the environment. Following hydromechanical extraction, the fuel is processed into commercial-grade explosives and emulsion explosives (the closed cycle process releases nothing into the air, water or soil).

All potentially dangerous facilities participating in the solid rocket fuel destruction programme have developed disaster containment and clean-up plans; created and implemented on-site emergency threat detection and warning systems; and ensured that the facilities carry civil liability coverage for potential damage from fires or accidents at high-risk facilities or at facilities where operations could result in accidents with repercussions for the environment or public health.

Since 1999, the Pavlograd Chemical Plant has been certified according to international standards for quality management (ISO 9001), environmental management (ISO 14001) and occupational health and safety management (OHSAS 18001). Biannual external audits are conducted at the plant according to the above standards by Ukrainian and foreign auditors.

The laboratory facilities at the Pavlograd Chemical Plant and the Pavlograd Mechanical Plant, which are certified in accordance with national legislation, continuously monitor air, surface and ground water and soil quality according to an environmental monitoring and technical control schedule approved by the health and epidemiological service in accordance with approved methodologies.

In accordance with article 50 of the Constitution and article 25 of the national Environmental Protection Act, the Pavlograd Chemical Plant and the Pavlograd Mechanical Plant routinely communicate the findings of the environmental monitoring conducted by the National Space Agency of Ukraine to the State monitoring and oversight agencies and the city council and the general public of the city of Pavlograd.

Air, soil and ground water quality monitoring conducted at the facility sites and in surrounding areas found no negative impact of plant operations on the environment in any of the locations.

3. Environmental implications of the elimination of *mélange* (liquid rocket fuel component) stockpiles in accordance with Ukraine's obligations under the Memorandum of Understanding between the Cabinet of Ministers of Ukraine and the Organization for Security and Co-operation in Europe (OSCE) as part of the OSCE Project in Ukraine

The environmental implications of the elimination of *mélange* stockpiles in accordance with Ukraine's obligations under the Memorandum of Understanding between the Cabinet of Ministers of Ukraine and the Organization for Security and Co-operation in Europe are contained in Contract No. CPA 92602 of 16 September 2009 for carrying out the destruction of the *mélange* rocket fuel oxidizer stockpiles. Specifically, the Ministry of Defence of Ukraine is responsible for ensuring the safety of the personnel engaged in the pumping and loading of *mélange* into railway tank cars. The Russian Federation, whose facilities are carrying out *mélange* disposal, is responsible for safety monitoring.

4. Environmental implications of the destruction of small arms and light weapons in accordance with Ukraine's obligations under the North Atlantic Treaty Organization (NATO)/Partnership for Peace (PfP) Trust Fund project, as well as the destruction of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects in accordance with Ukraine's obligations under Protocol V to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

In accordance with paragraph 2, section 16, of Contract No. LG-M/4600001832 of 7 August 2009 concluded between the NATO Maintenance and Supply Agency (NAMSA), the Ministry of Defence of Ukraine and the State-run enterprise Ukroboronservice (hereinafter, the executing agent) for the destruction of 15,000 tonnes of ammunition, the executing agent is liable for following and must adhere strictly to safety and environmental protection procedures set out in the terms of reference that form an integral part of the contract.

In accordance with paragraph 4.7 of the terms of reference pertaining to safety and environmental protection standards, the executing agent is liable for all aspects of safety and for complying with national environmental protection legislation.

Only solutions that ensure worker, environmental and public safety are used for ammunition destruction and are carried out at industrial facilities that are designed and put into operation for that purpose.